

### Remarks

With the filing of the Request for Continued Examination herewith, we hereby withdraw the appeal of the present application.

We amended claim 26 to place it, as well as pending claims 27-60, in condition for allowance. We have removed the language from claim 26 considered by the Examiner to be objectionable under §112, first paragraph. In addition, we have inserted language in claims 26, 29, 30, 43, 48 and 54 that requires the metal chlorite to be “uncoated,” as supported in the examples described in the specification (Example 1, page 26, line 23 to page 27, line 2; Example 2, page 27, line 25 to page 28, line 2; Example 3, page 28, lines 19-24; Example 4, page 29, lines 4-9; Example 5, page 29, lines 16-20; Example 6, page 30, lines 5-9; and Example 7, page 30, lines 14-22). The adequacy of the examples as support for this amendment was recognized in the outstanding Office action: “in these examples, the metal chlorite is mixed directly (i.e., *without coating*) with the acid forming component” (emphasis added; see page 2 of the Office action mailed 6/24/03).

We respectfully submit that the claims, as amended, define an invention that is novel and non-obvious over the cited references. Claims 26-60 have been rejected as obvious over CN 1,104,610, an English translation of which is enclosed. CN ‘610 teaches a mixture of sodium chlorite microcapsules with tartaric or oxalic acid particles in a cloth bag. Unlike the present invention, which requires that the metal chlorite be uncoated, the encapsulation of sodium chlorite in CN ‘610 inhibits reaction of the sodium chlorite with the acid particles (see the English translation of CN ‘610, page 4, lines 2-4). There is no incentive in CN ‘610 to utilize an uncoated metal chlorite as required in amended claims 26-60.

Claims 26-60 have been rejected as obvious over a hypothetical combination of EP 0 581 550 with CN ‘610. We respectfully submit that required incentive for such a combination is absent from the prior art. The use of a cloth bag in CN ‘610 is associated with an encapsulated sodium chlorite – the cloth bag creates a “micro-reactive environment” when placed in water (page 4, line 6 of the English translation of CN ‘610), while the encapsulation of the sodium chlorite prevents premature reaction with the solid acidifier (page 4, lines 2-4 of the English translation of CN ‘610). As the chlorite of EP ‘550 has no protective coating, the EP ‘550

composition in a cloth bag of CN '610 would likely suffer from premature reaction of the components due to moisture in the atmosphere. Indeed, EP '550 emphasizes that its solid composition is mixed "under substantially anhydrous conditions" (page 3, lines 31-33). Accordingly, one of ordinary skill in the art would not substitute the EP '550 composition for the encapsulated chlorite composition of CN '610.

In light of the foregoing, we respectfully submit that the claims, as amended, define a novel and non-obvious invention that fully merits patent protection. Accordingly, we respectfully request that the entire application be allowed at an early date.

This response is being filed after four months but before five months after the Notice of Appeal filed on December 23, 2003. Authorization to charge the fee required for a three-month extension for response, as well as any other fee deemed to be required, to deposit Account No. 05-1070 is hereby granted.

Respectfully submitted,



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